

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kenneth L. Arrington, et al.



Serial No. 10/582,823

Filed: June 14, 2006

For: MITOTIC KINESIN INHIBITORS

Art Unit: To be determinedExaminer: To be determined

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By *[Signature]* Date 2/5/07  
*JPW*



# INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: David A. Muthard  
Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 35,297  
MERCK & CO., INC.  
Patent Dept., RY60-30  
P.O. Box 2000  
Rahway, N.J. 07065-0907  
(732)594-3903

Date: February 5, 2007

**COMPLETE IF KNOWN**

(use as many sheets as necessary)

Sheet	1	of	2	Attorney Docket Number	21439YP
-------	---	----	---	------------------------	---------

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
/T.N./		PCT	WO 03/062209		Neurogen Corporation	07/31/2003
/T.N./		PCT	WO 01/30768		Cytokinetics, Inc.	05/03/2001
/T.N./		PCT	WO 02/83143		Tularik, Inc.	10/24/2002
/T.N./		PCT	WO 01/19800		Curis, Inc.	03/22/2001
/T.N./		PCT	WO 04/039774		Merck & Co., Inc.	05/13/2004
/T.N./		PCT	WO 03/103575		Cytokinetics, Inc.	12/18/2003
/T.N./		PCT	WO 2004/075863		Tularik, Inc.	09/10/2004

Examiner Signature	<u>Tamthom Truong</u>	Date Considered	01/15/2010
-----------------------	-----------------------	--------------------	------------

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Computer generated form "IDS Form" (IOS Folder), Merck & Co., Inc., 8/24/2006

**INFORMATION DISCLOSURE**  
**STATEMENT BY APPLICANT**

FEB 12 2002

<b>Application Number</b>	10/582,823
<b>Filing Date</b>	June 14, 2006
<b>Inventor Named Inventor</b>	Kenneth L. Arrington
<b>Group Art Unit</b>	XXXXXX/XXXX 1624 To be determined
<b>Examiner Name</b>	XXXXXX/XXXX T. Truong
<b>Attorney Docket Number</b>	21439YP

Sheet

2

of

2

Attorney Docket Number 21439YP

[illegible]Examiner  
Signature

/Tamthom Truong/

Date Considered

01/15/2010

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MF 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Computer generated form \* IDS Form\* (IDS Folder) Merrick & Co., Inc. 8/24/2006